**In the High Court of Punjab and Haryana, Chandigarh.**

**C.W.P.No.7230 of 2006**

Date of Decision: 4.12.2006

Parveen Kumar …Petitioner.

Versus

State of Haryana & Others. …Respondents.

**CORAM: HON'BLE MR.JUSTICE M.M.KUMAR**
**HON'BLE MR.JUSTICE M.M.S.BEDI**

Present: Mr.S.P.Laler, Advocate
for the petitioner.

Mr.Harish Rathee, Sr.DAG Haryana
for the respondents.

**JUDGMENT**

**M.M.KUMAR, J. (ORAL)**

The father of the petitioner, who was working as Beldar in the respondent department since 1988, unfortunately expired on 4.5.2005. The death certificate in that regard has been placed on record as Annexure P3. The date of birth of petitioner is 1.6.1986. On 16.5.2005, he filed an application (Annexure P7) through his mother for his appointment on a suitable post on compassionate grounds. He also submitted an affidavit (Annexure P6) indicating that he would maintain all members of the family of his father who were dependent on the deceased. The name of the petitioner was recommended by the Executive Engineer on 18.6.2005 (Annexure P5). On 14.11.2005, respondent No.2 rejected the claim for the implementation of the petitioner on the ground that Rule 3(d)(ii) of Haryana Compassionate

Assistance to the Dependents of Deceased Government Employees Rules, 2003, has required three years regular service. The aforementioned rule has come up for consideration before us in **C.W.P. No.6183 of 2006 decided on 17.8.2006 ("Smt.Kamlesh v. State of Haryana & Another)**. Taking into consideration the social object of the rules, we have interpreted Rule 3(d)(ii) to mean that the services rendered by a Government servant is only for three years irrespective of regular or ad hoc because the rule does not employ any such language. The argument that Rule 3(d)(ii) was required to be read in the light of the preceding rules was specifically rejected. Therefore, the matter raised in the instant petition and the impugned order dated 14.11.2005 (Annexure P10) is squarely covered by the Division Bench judgment in **Smt.Kamlesh's case (supra)**.

In view of the above, the writ petition is allowed and order dated 14.11.2005 (Annexure P10) is hereby quashed. The respondents are directed to consider the case of the petitioner for compassionate appointment in accordance with rules expeditiously, preferably within a period of two months from the date a certified copy of the order is received by them.

**(M.M.KUMAR)**
**Judge**

**December 4, 2006** **(M.M.S.BEDI)**
**dkb** **Judge**